

Section 60.02: Massachusetts Motor Vehicle Emissions Inspection and Maintenance Program

(1) Introduction.

- (a) Authority 310 CMR 60.02 is promulgated by the Commissioner of the Department of Environmental Protection pursuant to G.L. c.111, §142J and 142M and G.L. c.21A, §§2(28) and 16.
- (b) Headings are for convenience only and do not affect the substance of 310 CMR 60.02.
- (c) Purpose. 310 CMR 60.02 establishes a program to inspect the emissions of motor vehicles and to ensure that a vehicle that fails an emissions inspection is repaired properly in a reasonable time period, the motorist obtains a waiver for the vehicle, or the vehicle's registration is suspended.
- ~~(d) Effective Date. The existing Inspection and Maintenance regulations found at 310 CMR 7.20 shall remain in effect until the inspection stations begin performing the emission inspections pursuant to the following regulations. Emission inspections pursuant to 310 CMR 60.02 shall commence as provided in a notice issued by the Commissioner and the Registrar published in the Massachusetts Register. This notice also will indicate that on the date emissions inspections commence pursuant to 310 CMR 60.02, inspections pursuant to the Inspection and Maintenance regulations found at 310 CMR 7.20 may no longer be performed.~~
- (d) Severability. Each subsection of 310 CMR 60.02 shall be deemed severable, and in the event that any subsection of 310 CMR 60.02 is held invalid, the remainder shall continue in full force and effect.

(2) Definitions.

The following words and phrases when used herein, except as otherwise required by the context, have the following meanings.

All Wheel Drive Vehicle means a motor vehicle in which all four wheels are constantly and automatically connected to the drive train.

Assembled Vehicle means a unique vehicle constructed from parts of other motor vehicles.

Commissioner means the commissioner of the Department of Environmental Protection or his or her designee.

Cutpoint means the motor vehicle emissions standard above which a vehicle fails an emissions inspection and at or below which a vehicle passes an emissions inspection.

Data Link Connector means the connector where diagnostic scan tools interface with the vehicle's on-board computer.

Department means the Massachusetts Department of Environmental Protection.

Dynamometer means a device which applies a load to a vehicle's drive wheels during an emissions inspection while the vehicle is being operated in a stationary, secure position to simulate actual driving conditions.

Emission control system means any device or combination of parts designed by the manufacturer to control the emissions of a motor vehicle.

Emissions Inspection or Inspection means the procedures specified by the Department that determine whether a vehicle produces emissions in excess of standards provided 310 CMR 60.02(8).

Emission Repair means repair of a motor vehicle for the purpose of such vehicle passing or attempting to pass an emission inspection.

G.L. means Massachusetts General Law.

Gross Vehicle Weight Rating (GVWR) means the maximum loaded weight for which the vehicle is designed, as specified by the vehicle manufacturer.

Heavy-duty Vehicle means a vehicle with a weight of more than 10,000 pounds GVWR.

Initial Inspection means the first inspection of a vehicle under 310 CMR 60.02 or any subsequent inspection where the vehicle passed the previous inspection or received a waiver.

Inspection: see definition for emissions inspection.

Inspection Certificate means a written statement indicating (1) that the required inspection for a motor vehicle has been performed and the motor vehicle inspected has passed or failed said inspection or (2) that the motor vehicle is exempt from the inspection. Said certificate shall be in a form prescribed by the Registrar and the Commissioner.

Inspection Station means a facility that is licensed by the Registry to conduct motor vehicle safety and emissions inspections.

Inspection Fee means the fee established by the Commonwealth and paid by the motorist for a motor vehicle inspection pursuant G.L. c.7, §3B.

Inspector means any properly trained person with a valid certification from the Department and licensed by the Registry to perform motor vehicle safety and emissions inspections.

Kit Car means a unique vehicle or a replica of any vehicle, the production volume of which is less than 500 vehicles per year.

Malfunction indicator light means the instrument panel light used by the OBD system to notify the vehicle operator of an emissions related problem.

Model-year means the vehicle manufacturer's annual production period for each engine family which includes January one of a calendar year or, if the manufacturer has no annual production period for the engine family, the year in which the vehicle was manufactured. If a motor vehicle is manufactured in two or more states, the model-year shall be determined by the date on which the chassis is completed.

Motor Vehicle or Vehicle means any equipment or mechanical device propelled primarily on land by power other than muscular power, including passenger vehicles and trucks operating on any fuel type. "Motor vehicle" or "vehicle" does not mean railroad or railway engines or cars, vehicles operated by the system known as trolley motor or trackless trolley, vehicles used primarily for off roadway use such as construction and farm equipment, or devices used for domestic purposes such as a lawnmower or snowblower.

Motor Vehicle Inspection and Maintenance Program means an inspection of a motor vehicle conducted in accordance with the combined safety and emissions rules and regulations established by the Department and the Registry pursuant 540 CMR 4.00 and 310 CMR 60.02.

Motorist means the person in control of a vehicle subject to the motor vehicle inspection and maintenance program.

On-board Diagnostics System (OBD system) means a system, as installed and programmed by the original equipment manufacturer, of vehicle component and condition monitors and sensors controlled by a central,

on-board computer running software designed to signal the motorist when conditions exist that could lead to a vehicle's exceeding its emission standards.

On-board Diagnostics Test (OBD test) means an assessment, using a microprocessor, of the condition of a vehicle's emissions control system, including the vehicle's own computer and sensors.

Opacity Test means an emissions test of a diesel vehicle's exhaust performed by measuring the density of the smoke that the vehicle emits. Such test may be performed while the vehicle is under load on a dynamometer according to the Department-approved inspection procedures.

Original Equipment Manufacturer means the entity that originally manufactured the motor vehicle or motor vehicle engine prior to sale to the ultimate purchaser.

Person means an individual, agency or other government entity, corporation, partnership, association, or similar entity.

Readiness codes means the codes or signals that indicate that a vehicle has been driven through a series of operating conditions which set the OBD monitors on the vehicle.

Registered Repair Technician means any person registered with the Department who meets the Department's standards for registration.

Registrant means the person to whom a certification of registration is issued pursuant to 540 CMR 2.00 et seq..

Registrar means the Registrar of the Registry of Motor Vehicles.

Registry means the Registry of Motor Vehicles.

Reinspection means any emissions inspection performed on a motor vehicle after it has failed an emissions inspection and repair has been attempted.

Repair Form means the form provided by the inspector to the motorist whose vehicle has failed the emissions inspection to record the type and cost of emissions repairs performed on the vehicle.

SAE JI667 Opacity Test means *The Snap-Acceleration Smoke Test Procedure for Heavy-Duty Diesel Powered Vehicle*, 1996-02, issued by the Society of Automotive Engineers (SAE).

Tampering means the act of a person to remove or render inoperative any device or element of design installed on or in a motor vehicle in compliance with regulations under §203(a) of the Clean Air Act.

Transient Loaded-Mode Test means the portion of the emissions inspection administered while the vehicle is operating on a dynamometer.

Two-Speed Idle Test means an emissions measurement taken while a vehicle is operating first at idle, then while the engine is operating at 2500 revolutions per minute with the transmission in neutral, and a final time when the vehicle is again operating at idle.

Ultimate Purchaser means, with respect to a motor vehicle or motor vehicle engine, the first person who in good faith purchases or leases the motor vehicle or motor vehicle engine for purposes other than resale.

Used Motor Vehicle means a motor vehicle owned or leased by any person other than the ultimate purchaser for purposes other than resale.

Vehicle Identification Number or VIN means a unique number assigned to each vehicle by the vehicle manufacturer or the Registry.

Workstation means the complete set of inspection equipment approved by the Department and required by the Registrar for an inspection station including, but not limited to: a computer, modem, printer, test and communication software, documentation, and, depending upon configuration, gas analyzer, dynamometer, flow measurement device, gas cap tester, and on-board diagnostics (OBD) scan tool.

(3) Applicability.

- (a) The following motor vehicles are subject to emissions inspection except as otherwise provided at 310 CMR 60.02(3)(b):
1. all motor vehicles registered in Massachusetts;
 2. any motor vehicle owned or operated by a federal agency in Massachusetts (regardless of whether such vehicles are registered in Massachusetts); and
 3. heavy-duty diesel vehicles operating on Commonwealth roads but not registered in Massachusetts.
- (b) The following motor vehicles are exempt from the emissions inspection:
1. any motor vehicle with a model year earlier than 1984;
 2. any motor vehicle for ~~up to~~ 24 months from the date of registration after sale or lease to the ultimate purchaser (for the sale or lease of vehicles beginning with model year 1998);
 3. tactical military vehicles;
 4. any motor vehicle or class of motor vehicles exempted by the Department because the vehicle or class presents prohibitive inspection problems or is inappropriate for inspection;
 5. any motor vehicle operated exclusively by electric power; and
 6. any motorcycle or moped.

(4) Scheduling of Emissions Inspections.

- (a) Motor Vehicles Registered in Massachusetts. The registrant of each motor vehicle shall obtain an emissions inspection for a motor vehicle in accordance with 310 CMR 60.02. Registrants shall submit their vehicles for inspection no later than the ~~date~~month and year of expiration on the previously issued inspection certificate.
1. First Initial Inspection ~~Within first Two Years of Motor Vehicle Inspection and Maintenance Program.~~ The registrant of each motor vehicle must obtain an emissions inspection for ~~that a~~ motor vehicle as part of its first motor vehicle inspection following the expiration of the exemption at 310 CMR 60.02(3)(b)(2), according to the following schedule:
 - ~~i. vehicles with even-numbered model years shall receive an emissions inspections during even-numbered calendar years (i.e., 2000, 2002);~~
 - ~~ii. vehicles with odd-numbered model years shall receive emissions inspections during odd-numbered calendar years (i.e., 1999, 2001).~~
 2. A registrant of a vehicle that failed to obtain an emissions inspection pursuant to the schedule at 310 CMR 60.02(4)(a)(1) and (4)(a)(4) or instead received only a safety inspection shall obtain an initial emissions inspection the next time the vehicle is submitted for a motor vehicle inspection.
 3. Late Safety Inspection. Notwithstanding 310 CMR 60.02(4)(a)(2) and (4)(a)(4), the registrant of a motor vehicle must obtain an initial emissions inspection for the motor vehicle if the vehicle is presented for inspection 60 days or more after the vehicle was due for a safety inspection.

42. After First Initial Inspection. The registrant of each motor vehicle must obtain an emissions inspection for a motor vehicle every other time the vehicle is submitted for a motor vehicle inspection except in accordance with 310 CMR 60.02(4)(c), (4)(a)(2) and (4)(a)(3).
- (b) Initial Registration of Motor Vehicles. For any motor vehicle first registered in Massachusetts on or after the effective date of 310 CMR 60.02, the motorist shall obtain an emissions inspection as part of his or her motor vehicle inspection for the vehicle within 7 days from the date the vehicle is first registered in Massachusetts unless otherwise exempt in accordance with 310 CMR 60.02(3)(b).
- (c) Inspections upon Transfer. For any used motor vehicle purchased or leased on or after the effective date of 310 CMR 60.02, the motorist shall obtain an emissions inspection as part of his or her motor vehicle inspection for the vehicle within 7 days from the date of purchase.
- (d) Massachusetts vehicles not located in state. For any motor vehicle which is not garaged or operated in Massachusetts at the time that vehicle's emissions inspection was due, a motorist may operate the vehicle for 15 days after the vehicle's return to Massachusetts, provided said motor vehicle bears proof satisfactory to the Department of an adequate emissions inspection from another jurisdiction. The motorist must obtain the vehicle's initial emissions inspection within said 15 days. A motorist also may obtain an initial inspection prior to the expiration of the vehicle's current inspection certificate.
- (e) Heavy-duty Diesel Vehicles. Heavy-duty diesel vehicles registered in Massachusetts are subject to 310 CMR 60.02(4)(a) through (d). In addition, all heavy-duty diesel vehicles operating on Massachusetts roads are subject to roadside inspections.
- (f) Inspections for Program Evaluation. The Department may require a registrant to have his or her vehicle inspected upon notice from the Department for program evaluation. If the vehicle fails such inspection, the registrant may choose not to have the vehicle repaired and present the vehicle for inspection as provided at 310 CMR 60.02(4)(a).

(5) Motorist Requirements.

- (a) Inspection Documents. When presenting a motor vehicle for an inspection, a motorist shall provide the following documents to the inspector to identify the vehicle by make, model-year, vehicle identification number, and license plate number:
1. a valid certificate of registration; and
 2. if the inspection is a reinspection, a valid and completed emissions repair form.
- (b) Inspection Fee. The motorist shall pay the inspection fee when presenting a motor vehicle for an inspection. No fee is required for an inspection that is not completed.
- (c) Inspection Failure. If a vehicle fails an initial inspection, the motorist either shall repair the vehicle such that it passes a reinspection or shall obtain a waiver within 60 days.

(6) Emission Test Applicability.

- (a) Transient Loaded-Mode Test. Effective until November 15, 2002, All motor vehicles with a GVWR of 10,000 pounds or less and operating on any fuel type, except diesel fuel, are subject to the transient loaded-mode test.
Effective November 15, 2002, the following motor vehicles are subject to the transient loaded-mode test:
1. all motor vehicles older than model year 1996 with a GVWR of 10,000 pounds or less and operating on any fuel type, except diesel fuel;
 2. all motor vehicles model year 1996 or newer with a GVWR of 10,000 pounds or less and operating on any fuel type, except diesel fuel, that lack an on-board diagnostic system.
- The Department may waive the requirement for the transient loaded-mode test for classes of vehicles that the Department determines are highly likely to pass such test based on statistical data from other emissions tests, including data from other states.
- (b) Two-Speed Idle Test. Effective until November 15, 2002, All motor vehicles operating on any fuel type, except diesel fuel, with a GVWR of more than 10,000 pounds are subject to the two-speed idle

test. All motor vehicles, including all-wheel drive vehicles, that the Department deems unsuitable for a transient loaded-mode test as provided for in the Department-approved inspection procedures also are subject to the two-speed idle test.

- (c) On-Board Diagnostics Test. Effective November 15, 2002 the following motor vehicles are subject to the on-board diagnostic test in accordance with Department-approved inspection procedures:
1. all motor vehicles model year 1996 or newer operating on any fuel type, except diesel, and equipped with an on-board diagnostics system; and
 2. all motor vehicles model year 1997 or newer operating on diesel fuel and equipped with an on-board diagnostics system.
 3. Alternative Test. Any motor vehicle or class of motor vehicles otherwise subject to the on-board diagnostics test that the Department deems unsuitable for the on-board diagnostics test is subject to the transient loaded-mode test, the two-speed idle test, the opacity test, or the SAE J1667¹ opacity test in accordance with 310 CMR 60.02(6)(a), (b), (d) and (e). Any such vehicle also may be subject to any part of the on-board diagnostics test for which the vehicle or class of vehicles is suitable and/or a visual inspection of the malfunction indicator light.
- ~~(e)(d)~~ Opacity Test. All diesel vehicles with a GVWR of 10,000 pounds or less are subject to an opacity test appropriate for their weight and size as determined by the Department. Motorists with vehicles with a GVWR of 10,000 pounds or less and more than 8,500 pounds and subject to the opacity test may elect to have their vehicle tested by the SAE J1667 test instead.
- ~~(d)(e)~~ SAE J1667 opacity test. All diesel vehicles with a GVWR greater than 10,000 pounds are subject to the SAE J1667 opacity test. The Department may exempt from roadside emissions inspection such vehicles if the vehicle has been tested in another state or jurisdiction.
- ~~(e)(f)~~ Fuel Cap Test. All motor vehicles, except those vehicles model year 2004 and newer that receive an on-board diagnostics test, are subject to the fuel cap test.
- (g) The Department may waive the requirement for ~~the transient loaded-mode~~ any test for classes of vehicles that the Department determines are highly likely to pass such test based on statistical data from other emissions tests, including data from other states.
- (h) ~~(g)~~ Engine Switching. A motor vehicle with an exchanged or replaced engine is subject to the emissions inspection standards for the fuel type, model-year, and type of vehicle chassis contained on its certificate of registration.
- ~~(g)(i)~~ Assembled Vehicles. An assembled or reconstructed vehicle, including a vehicle with a prefabricated body, is subject to the emissions inspection applicable to the fuel type, model year, and type of vehicle chassis indicated on the vehicle's certificate of registration.
- ~~(h)(j)~~ Kit Cars. Registrants of kit cars may request the Department apply less stringent emissions standards for the transient loaded-mode test if the vehicle is operated for less than 2000 miles in the previous 12 months.

(7) Inspector Procedures.

- (a) The inspector shall perform emissions inspections in accordance with 310 CMR 60.02 and all Department-approved inspection procedures at inspection stations licensed by the Registry.
- (b) The inspector shall perform emissions inspections using Department-approved equipment and shall perform all Department-required quality control and maintenance procedures on the equipment and adhere to all safety procedures as provided in the Department-approved inspection procedures.
- (c) The inspector shall record the information identified as provided in the Department's emissions inspection procedures.

¹ Copies of SAE J1667 may be obtained from the Society of Automotive Engineers, Inc., 400 Commonwealth Drive, Warrendale, PA 15096-0001.

- (d) In the implementation phase (determined by the Department based on the percentage of vehicles subject to the OBD test that have insufficient readiness codes set) of the OBD test, if during an initial OBD test a vehicle's OBD system reveals an insufficient number of readiness codes set for the components of the OBD system, the vehicle shall be subject to a transient loaded mode test, a two speed idle test, or an opacity test in accordance with 310 CMR 60.02(6), provided that the vehicle would otherwise pass the OBD test.
- (e) In the implementation phase (determined by the Department based on inspectors' success at locating data link connectors) of the OBD test, if during an initial OBD test the inspector is unable to locate the data link connector, the vehicle shall be subject to a transient loaded mode test, a two speed idle test, or an opacity test in accordance with 310 CMR 60.02(6). In addition, any such vehicle may be subject to a visual inspection of the malfunction indicator light.
- (f) Once initiated, the inspector shall complete an emissions inspection. The inspector shall terminate the inspection if an unsafe condition or workstation error or inspector error arises during the inspection process.
- (g) The inspector shall refuse to perform an emissions inspection on a motor vehicle if:
1. the motorist fails to present the documentation specified at 310 CMR 60.02(5)(a)(1);
 2. the vehicle is carrying explosives or other materials considered to be a safety hazard by the inspector;
 3. the vehicle is towing a trailer or another vehicle considered to be safety hazard by the inspector; ~~or~~
 4. the inspector observes any other hazard that would compromise the safe conduct of the inspection;
 5. fuel, oil, or other leaks are observed by the inspector that are considered a safety hazard by the inspector; or
 6. the vehicle's tire condition or tire tread is inadequate to ensure safe and accurate performance of the emissions inspection.
- (h) Upon completion of the emissions inspection, the inspector shall provide to the motorist a printed inspection report of the vehicle's inspection results in the format required by the Department. The report shall include, but is not limited to, the relevant standard for each pollutant tested and probable repairs to meet the applicable standards at 310 CMR 60.02(8).
- (i) Upon completion of the motor vehicle inspection, the inspector shall affix an inspection certificate to the windshield of the vehicle inspected indicating the proper results of the inspection. The inspection certificate shall indicate the month when the most recent initial inspection was due and the year twelve months from that month.
- (8) Emissions Inspection Standards. A motor vehicle shall fail the emissions inspection if it does not meet the applicable standards established in 310 CMR 60.02(8). The emission standards shall be applicable to cars and trucks. To determine whether a vehicle is defined as a car or truck, the Department adopts the classifications for vehicles listed in the most current release of the U.S. Environmental Protection Agency's (EPA) I/M Look-Up Table.²
- (a) Transient Loaded-Mode Emissions Test Standards. Vehicles subject to the transient loaded-mode test shall have emissions no higher than those listed in Table A below as indicated for the vehicle's class and model year. The Department may establish in the Department-approved inspection procedures alternative test cycles that have equivalent stringency to these standards. The Department may adjust the standards at its discretion to be less stringent than those listed in Table A during the implementation phase of the emissions inspection program to address: air pollution; motorist convenience; inspection failure rates; or, motorists' difficulty in obtaining proper repairs.

² The I/M Look-up Table, on the date these regulations were first published, was available through EPA's Internet home page.

TABLE A
Transient Loaded – Mode Emission Test Standards in Grams Per Mile

	Hydrocarbons	Carbon Monoxide	Oxides of Nitrogen
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Cars

1996 and newer	0.80	15.0	2.0
1991 – 1995	1.2	20.0	2.5
1984 – 1990	2.0	30.0	3.0

Trucks less than or equal to 6,000 pounds GVWR

1996 and newer			
3,750 LVW or less	0.80	15.0	2.0
Greater than 3,750 LVW	1.0	20.0	2.5
1991 – 1995	2.40	60.0	3.0
1988 – 1990	3.20	80.0	3.5
1984 – 1987	3.20	80.0	7.0

Trucks greater than 6,000 pounds GVWR

1996 and newer			
5,750 ALVW or less	1.00	20.0	2.5
greater than 5,750 ALVW	2.40	60.0	4.0
1991 – 1995	2.40	60.0	4.5
1988 – 1990	3.20	80.0	5.0
1984 – 1987	3.20	80.0	7.0

LVW means loaded vehicle weight.

ALVW means adjusted loaded vehicle weight.

- (b) Two-Speed Idle Test Standards. Vehicles subject to the two-speed idle test shall meet the standards indicated for the vehicle's model year in Table B. The following emissions control devices or equipment also must be present and functional as indicated by procedures specified by the Department: catalytic converter, air pump, exhaust gas recirculation valve, and positive crankcase ventilation valve.

TABLE B
Two-Speed Idle Emission Test Standards

Model Years	Hydrocarbons (parts per million)	Carbon Monoxide (percent per standard volume)
All Vehicle Classes		
1987 and newer	100	0.60
1984 – 1986	220	0.80

- (c) Opacity Standards for Diesel Vehicles. Vehicles subject to an opacity test shall have emissions opacity no greater than the standards in Table C as indicated for the vehicles class and model year.

TABLE C
Opacity Test Standards

	Percent Opacity
Diesel cars and trucks less than 8,500 pounds GVWR	20%
Diesel trucks 8,500 to 10,000 pounds GVWR	40%
Diesel trucks greater than 10,000 pounds GVWR	
1984 – 1990 model years	55%
1991 and newer	40%
Diesel buses greater than 10,000 pounds GVWR	
1984 – 1993 model years	40%
1994 and newer	30%

(d) Fuel Cap (Pressure Decay) Test. Using a Department approved method, the fuel cap shall fail the pressure test if it loses more than 6 inches of water column (WC) pressure over a period of 10 seconds from a starting pressure of 28 +/- 1 inch of water.

(e) On-Board Diagnostics Test. "OBD trouble codes" are codes associated with engine controller fault messages that identify emission control components that are malfunctioning and can be retrieved using a diagnostic scan tool. A vehicle shall fail the on-board diagnostics test if:

1. the data link connector is missing, has been tampered with, or malfunctions, or the OBD system has been altered in such a way as to make OBD system testing impossible;
2. the malfunction indicator light is not illuminated when the vehicle ignition key is turned on but the vehicle engine is off;
3. the malfunction indicator light is commanded to be illuminated for one or more OBD trouble codes; or,
4. after the implementation phase, the vehicle's OBD system reveals insufficient readiness codes are set for the components of the OBD system.

(9) Reinspections.

- (a) The inspector shall inspect every vehicle presented for reinspection in accordance with the emissions inspection requirements of 310 CMR 60.02 and Department-approved inspection procedures.
- (b) The inspector shall perform the reinspection in accordance with the same requirements as an initial emissions inspection for the failed portion of the inspection. Thus, if a vehicle obtained a transient loaded mode test, a two speed idle test, an opacity test, an OBD test or a visual inspection of the malfunction indicator light for the initial inspection pursuant to 310 CMR 60.02(7), the vehicle shall receive the same test(s) on reinspection.
- (c) Notwithstanding 310 CMR 60.02(9)(b), if a vehicle failed the on-board diagnostics test during the most recent initial inspection and insufficient readiness codes are set at the reinspection, the inspector shall abort the inspection and turn the vehicle away.
- (d) If a vehicle returns for a safety reinspection 60 days or more after failing an initial safety inspection that did not include an emissions test, the vehicle shall be subject to an emissions and safety inspection at that time. Such inspection shall be considered the vehicle's initial emissions inspection.
- ~~(e)~~(e) If the vehicle passes reinspection, the vehicle shall receive an emissions inspection certificate indicating compliance with emissions inspection requirements.
- ~~(f)~~(f) Unless a vehicle that has failed an emissions inspection passes a reinspection within 60 days or obtains a waiver, the vehicle shall not be operated on a public road and the registration of any such Massachusetts-registered motor vehicle shall be suspended.

(10) Challenge Inspections.

- (a) A motorist may challenge the results of an emissions inspection or reinspection. To challenge the results of an inspection or reinspection, a motorist must submit his or her vehicle within 2 days (excluding Sundays and federal holidays) of the inspection being challenged for another emissions inspection at an inspection station designated by the Registry.
- (b) If the vehicle fails a challenge inspection or reinspection, the motorist shall pay the inspection station for the cost of the inspection. If the vehicle passes the challenge inspection, the inspector shall issue the appropriate inspection certificate and report but shall not charge any inspection fee to the motorist.

(11) Waivers.

- (a) A motorist may apply for a waiver of emission inspection standards if the following conditions are met:
 - 1. the vehicle failed a reinspection; and
 - 2. emissions-related repairs were performed on the vehicle by a registered repair technician.
- (b) The motorist must present the vehicle to the Registry along with the following documentation when applying for a waiver:
 - 1. the vehicle's most recent reinspection report;
 - 2. a repair form completed and signed by a registered repair technician;
 - 3. receipts for all emissions-related repairs completed by a registered repair technician since the vehicle's most recent initial inspection; and
 - 4. any other documents required by the Department.
- (c) An emissions waiver certificate shall be granted if each of the following requirements, where applicable, is met:
 - 1. the emission control system is present and there is no evidence of tampering;
 - 2. emissions levels are less than five times the standard for each pollutant tested during the first two years after the start of the motor vehicle inspection and maintenance program and less than three times the standard for each pollutant tested after that;
 - 3. the vehicle's emissions continue to meet standards for pollutants that met the standards at the most recent initial inspection;
 - 4. repairs were performed that were appropriate for the type of emissions inspection failure(s) that occurred;
 - 5. the motorist has used all relevant manufacturer warranty coverage including recalls to repair the vehicle;
 - 6. repair expenditures exceed the following limits:
 - (a) \$400 for vehicles up to but not exceeding five model years old;
 - (b) \$300 for vehicles over five but not exceeding 10 model years old; and
 - (c) \$200 for vehicles over 10 model years old; and
 - 7. all safety requirements are met.
- (d) Costs associated with the following repairs are not eligible for consideration toward the waiver cost limit:
 - 1. tampering-related repairs to the emissions control system except where it can be verified that the part in question or one similar to it is no longer available for sale;
 - 2. repairs to an emissions control system which has been dismantled or rendered inoperable except where it can be verified that the part in question or one similar to it is no longer available for sale;
 - 3. repairs under any warranty;
 - 4. repairs that are subject to a manufacturer's recall;
 - 5. repairs unrelated to emissions performance or inappropriate for the type of emission inspection failure that occurred;

- 6. repairs performed prior to the most recent initial inspection failure; and
- 7. repairs not performed by a registered repair technician.
- (e) An emissions waiver certificate is valid until the vehicle's next emissions inspection.
- (f) An emissions waiver certificate is not transferable upon the sale of the vehicle or transfer of the vehicle's registration.
- (g) Heavy-duty diesel vehicles are not eligible for a waiver.

(12) Diagnostic Waivers.

- (a) A motorist may apply for a waiver of emissions standards based on the non-repairability of a vehicle if the following conditions are met:
 - 1. the vehicle failed a reinspection; and
 - 2. a registered repair technician performed all emission-related repairs possible.
- (b) The Registry or its designee shall:
 - 1. examine the vehicle to verify that the emissions-related repairs performed were appropriate for the particular emissions failure(s) that occurred;
 - 2. ensure that the emission control system is present and there is no evidence of tampering;
 - 3. ensure that sufficient emissions-related repairs were performed on the vehicle by a registered repair technician.
 - 4. ensure that a repair form was completed and signed by a registered repair technician;
 - 5. ensure that the vehicle passes all physical and functional checks of its emissions control systems;
 - 6. determine that no additional repairs can be made that will reduce emission levels;
 - 7. ensure that repairs performed since the most recent initial inspection did not cause an overall increase in the vehicle's emissions; and
 - 8. ensure that all safety requirements are met.
- (c) If the conditions of 310 CMR 60.02(12)(a) and (b) are met, a diagnostic waiver certificate shall be issued to the vehicle exempting it from compliance with the emissions test standards that the vehicle failed to meet.
- (d) A diagnostic waiver is valid until the vehicle's next emissions inspection.
- (e) A diagnostic waiver is not transferable upon the sale of the vehicle or transfer of the vehicle's registration.

(13) Inspector Training and Certification.

- (a) No person shall perform an emissions inspection unless such persons are certified by the Department and licensed by the Registry.
- (b) To become an inspector a person must receive Department-approved training, be certified by the Department, and licensed by the Registry to perform inspections.
- (c) To meet the certification requirement, a person must:
 - 1. pass the Department-approved exam;
 - 2. demonstrate to the satisfaction of the Department or its designee, the ability to conduct a proper inspection, correctly identify valid repairs for vehicle reinspection, and perform proper quality control and workstation maintenance procedures; and
 - 3. not have a pattern of noncompliance with respect to performing motor vehicle inspections.
- (d) Certification. The Department must certify a person who meets the requirements at 310 CMR 60.02(13)(c).
- (e) The Department may require inspectors to obtain additional training and pass additional exams prior to renewing their certifications if the Department determines that such training and examinations are appropriate to accommodate changes in the test equipment, changes in test procedures, or other changes in the motor vehicle inspection and maintenance program. The Department shall make any such determination in writing. An emissions inspector certificate shall

renew automatically upon renewal of the emissions inspector license unless the Department makes such determination prior to the inspector's license renewal.

~~(f) Renewal. An emissions inspector certificate shall be valid for the later of 12 months or until the Department or its designee acts upon the renewal application. The Department may require inspectors to obtain refresher training and pass a Department approved exam to renew their certifications.~~

(14) Repair Technician Registration.

- (a) To become a registered repair technician an applicant must complete the Department-approved repair technician training module and meet at least one of the following requirements:
 - 1. be ASE L-1 certified; or
 - 2. have passed the Department-approved assessment test demonstrating that his or her abilities are equivalent to, or better than, ASE L-1 certification and obtain ASE L-1 certification within 18 months of passing the assessment test; or
 - 3. have successfully completed the Department-approved repair technician training course and obtain ASE L-1 certification within 18 months of passing the last module in the training course.
- (b) To become a registered repair technician, specializing in the repair of diesel vehicles, an applicant must complete the Department-approved repair technician training module and meet at least one of the following requirements:
 - 1. be ASE L-2 certified or have equivalent certification from an engine manufacturer; or
 - 2. have passed the Department-approved assessment test demonstrating that his or her abilities are equivalent to, or better than ASE L-2 certification and obtain ASE L-2 certification within 36 months of passing the assessment test; or
 - 3. obtain ASE L-2 certification within 36 months of passing the training course.

(15) Prohibition against tampering.

All persons are prohibited from tampering with any vehicle emissions control device or system. No person or entity shall take any action or fail to take any action that causes a motor vehicle to no longer comply with federal or state law, with standards for the motor vehicle emissions inspection, or with requirements for motor vehicle registration. This provision shall not be construed as preventing the temporary alteration of equipment for the purpose of motor vehicle repair or quality assurance by the Department, Registry, or their designees.

(16) Enforcement.

- (a) No motorist may operate any vehicle without a valid inspection certificate.
- (b) No motorist may operate any motor vehicle in violation of 310 CMR 60.02.
- (c) Registration Suspension. A motor vehicle which does not comply with the applicable emissions inspection requirements shall be subject to registration suspension until the vehicle passes the applicable emissions inspection or obtains a waiver.
- (d) No person shall give false information to an inspection station, an inspector, the Registry, or the Department or its designee concerning any repairs or associated expenditures needed to bring a motor vehicle into compliance with the emissions inspection.
- (e) Inspection Certificates.
 - 1. No person shall issue an inspection certificate indicating compliance with 310 CMR 60.02 for a motor vehicle that has not been inspected or reinspected in accordance with, or is not in compliance with, the standards for the applicable motor vehicle emissions inspection pursuant to 310 CMR 60.02.

2. An inspector shall issue an inspection certificate indicating compliance only for a motor vehicle that he or she has inspected and determined to comply with the applicable standards for motor vehicle emissions inspections pursuant to 310 CMR 60.02.
 3. An inspector shall issue a certificate indicating failure of the emissions inspection to any motor vehicle that he or she has inspected and determined does not comply with the applicable standards for motor vehicle emissions inspection pursuant to 310 CMR 60.02.
 4. No person or entity may alter, falsify, or counterfeit an inspection certificate, waiver certificate, or diagnostic waiver certificate.
 5. No person shall affix an inspection certificate, waiver certificate, or diagnostic waiver certificate to a motor vehicle other than the motor vehicle for which the certificate was issued.
- (g) Penalty Provisions.
1. The Department may impose a penalty against an inspection station for any violation of 310 CMR 60.02 at that inspection station. The Department may impose a penalty against any person for any violation of 310 CMR 60.02.
 2. Any person who violates any provision of G.L. c.111, §142M or 310 CMR 60.02 shall be subject to a civil or administrative penalty or fine or imprisonment pursuant to G.L. c.111, §142M and c.21A, §16.
 3. Each day on which a violation occurs or continues shall be deemed a separate violation.
 4. Whenever the Department seeks to assess a civil administrative penalty pursuant to G.L. c.21A, §16, G.L. c.111, §142M and 310 CMR 60.02, the person who would be assessed the penalty shall have the right to an adjudicatory hearing. Any request for an adjudicatory hearing thereon shall be made in accordance with G.L. c.21A, §16, and 310 CMR 5.00.